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10 Attorneys for United States of America

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) Case No. 3:15-CR-0301 WHA
15 Plaintiff,)
16 v.) **STIPULATION AND [PROPOSED]
17 Defendant.) PROTECTIVE ORDER**
18 _____)

19
20 Plaintiff, United States of America, by and through MELINDA HAAG, United States Attorney
21 for the Northern District of California, and Lloyd Farnham, Assistant United States Attorney for the
22 Northern District of California, and the defendant, Abdulkarim Hassan Abdi, through his undersigned
23 attorney, hereby stipulate and agree as follows:

24 WHEREAS the defendant is charged in a three-count Indictment charging violations of Title 18,
25 United States Code, section 1015(a) (false statement under oath in a naturalization proceeding), section
26 1001(a) (false statements), and section 1546(a) (fraud and misuse of visas, permits, and other
27 documents). The United States intends to produce to the defense files and records related to this case
28 maintained by Immigration and Customs Enforcement. These files and records relate to the defendant
[PROPOSED] PROTECTIVE ORDER

1 and an individual whose name and identifying information that the defendant is accused of using to
2 obtain immigration benefits (identified as “F. A. Abdi” in the Indictment). Nearly all of the documents
3 in these immigration files and records include personal information, information regarding immigration
4 status, information regarding asylum applications, personally identifiable information, and other
5 personal information regarding the defendant, F.A. Abdi, and others including family members of both
6 men. Regulations and policies of Immigration and Customs Enforcement limit the disclosure of
7 documents related to asylum applications, in part to protect applicants from reprisals against applicants
8 or family members.

9 WHEREAS in order to protect the privacy of the people involved in this case, including the
10 defendant, a potential victim, and others, and to prevent the further dissemination of documents
11 containing personally identifiable information and other private or confidential information, the United
12 States seeks to limit the disclosure and use of the documents in a manner that would diminish the
13 privacy concerns and eliminate the need to heavily redact documents.

14 WHEREAS to allow the defendant the greatest opportunity to prepare an effective defense in
15 preparation for trial in this matter, the United States and defendants agree that disclosure of the
16 documents contained in the immigration files, and related files maintained by Immigration and Customs
17 Enforcement is subject to the following restrictions:

18 IT IS HEREBY STIPULATED AND AGREED:

19 1. The provisions of this Protective Order apply to documents marked as “Subject to Protective
20 Order.” This designation will be made either on each page of a document or on electronic media
21 containing multiple documents. For any such documents, the defendant agrees that the provisions of
22 this Protective Order apply until an attorney for the United States agrees in writing that the media and
23 documents may be disclosed, or the Court enters an Order to that effect.

24 2. The following individuals (the “defense team”) may access and review such documents for the
25 sole purpose of preparing the defense and for no other purpose:

26 a. Counsel for defendant;

27 b. The defendant;

28 c. Persons employed by defense counsel assisting with the preparation of the defense;

1 d. Any expert retained on behalf of the defendant to assist in the defense of this matter;

2 e. Any investigator retained on behalf of defendant to assist in the defense of this matter.

3 3. For any documents or media designated by the United States as "Subject to Protective Order" the
4 defense team may make additional copies of the documents or media but may not distribute them
5 outside the defense team for purposes other than preparing a defense, may not make the documents
6 public, and may not otherwise further disseminate. After any judgment or disposition has become final
7 and there are no pending proceedings, challenges, or appeals in the case, upon a request from the
8 attorney for the United States, the defense team shall destroy the documents and media, delete any
9 electronic copies, or return the documents.

10 4. This Order applies to all attorneys associated with the above case who have knowledge of this
11 Order regardless of the nature of their involvement in the case. This Order shall be binding on all
12 subsequent attorneys who represent the defendant in this case or any other person who comes into
13 possession of the personnel files and related documents disclosed pursuant to this Order.

14 5. Any disputes concerning this Stipulation and Interim Protective Order shall be resolved by this
15 Court only after counsel for the United States and defendant have first conferred and attempted to
16 resolve the dispute. The Court will retain jurisdiction over disputes arising from this protective order
17 for only 90 days after termination of the action.

MELINDA HAAG

United States Attorney

19
20 DATED: July 8, 2015

/s/

21 LLOYD FARNHAM

Assistant United States Attorney

22 DATED: July 8, 2015

/s/

23 JODI LINKER

Attorney for Defendant

24
25 IT IS SO ORDERED.

26 DATED: July 13, 2015.

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HON. WILLIAM ALSUP
United States District Court Judge